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United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANTONIO MENDOZA RAMOS,
LEOPOLDO GONZALEZ, JR.,
VICTOR MANUEL VELAZQUEZ,
ERASMO ZARATE SOLORZANO,
ESTELA ACEVEDO,
CARLOS CANO MANZO,
DIANA CERVANTES,
JOSE GENARO VARGAS-RAMIREZ,
ALMA ADRIANA MORA MADRIGAL,
ALEJANDRO MORA MADRIGAL,
FERNANDO CARDENAS, AND
HUMBERTO PIMENTEL CARANZA,
Defendants.

CASE NO. 21-CR-109-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT
REGARDING DEFENDANTS DIANA
CERVANTES AND VICTOR MANUEL
VELAZQUEZ; FINDINGS AND ORDER

COURT: Hon. Dale A. Drozd

STIPULATION

1. Plaintiff United States of America, by and through its counsel of record, and defendant VICTOR MANUEL VELAZQUEZ (“defendant VELAZQUEZ”), by and through his counsel of record, Timothy Zindel, and defendant DIANA CERVANTES (defendant “CERVANTES”), by and through her counsel of record, Jennifer Mouzis, hereby stipulate as follows:

2. By previous order, this case was set for trial on November 4, 2024, and time was

1 excluded pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) through that date.

2 3. By this stipulation and for the reasons set forth below, defendant CERVANTES now
3 moves to vacate the trial date and set a change-of-plea hearing for November 12, 2024. Defendant
4 CERVANTES also moves to exclude time between November 4, 2024, and November 12, 2024,
5 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

6 4. By this stipulation and for the reasons set forth below, defendant VELAZQUEZ now
7 moves to vacate the trial date and set a status conference for November 12, 2024. Defendant
8 VELAZQUEZ also moves to exclude time between November 4, 2024, and November 12, 2024,
9 pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

10 5. The parties agree and stipulate, and request that the Court find the following:

11 a) Counsel for defendant CERVANTES, Ms. Mouzis, is scheduled to begin a double
12 homicide trial in Stanislaus County Superior Court on September 30, 2024, and is actively
13 preparing for that trial. The trial is expected to last at least 20 court days, and Ms. Mouzis had
14 been advised that the court will not be dark for any of those days. The trial will continue each
15 court day until it is concluded.

16 b) The government has extended a plea offer to defendant CERVANTES in which it
17 has agreed, among other things, to dismiss the case against her domestic partner and co-
18 defendant, defendant VELAZQUEZ, upon imposition of defendant CERVANTES's sentence.
19 Defendant CERVANTES has expressed her willingness to enter into this plea agreement.

20 c) Given Ms. Mouzis's trial schedule, she has not yet had an opportunity to review
21 this plea offer with defendant CERVANTES, nor will she be able to do so until the conclusion of
22 her double homicide trial in Stanislaus County. Neither will she be able to appear before this
23 Court for a change-of-plea hearing.

24 d) Counsel for defendant VELAZQUEZ, Tim Zindel, is aware of this plea offer. He
25 is currently out of the country and will return on September 19, 2024.

26 e) The government has produced over 100,000 pages of discovery and voluminous
27 audio and audio/video discovery, including interceptions over multiple wiretapped telephones as
28 well as recordings of controlled purchases of narcotics. Many of the recordings are in Spanish.

1 Additionally, this case is particularly complex as it concerns twelve charged defendants.

2 f) Although it is anticipated that defendant CERVANTES will plead guilty pursuant
3 to the plea offer proposed by the government, and the government will move to dismiss the case
4 against defendant VELAZQUEZ once defendant CERVANTES is sentenced, were the case to
5 proceed to trial, Mr. Mouzis and Mr. Zindel would need additional time to prepare for trial.

6 g) Given the above circumstances, counsel for the defendants would not be prepared
7 to proceed to trial before November 12, 2024.

8 h) Consequently, counsel for defendants believe that failure to grant the above-
9 requested continuance would deny them the reasonable time necessary for effective preparation,
10 taking into account the exercise of due diligence.

11 i) No defendant has invoked his/her speedy trial rights since the inception of the
12 case.

13 j) The government does not object to the continuance.

14 k) Based on the above-stated findings, the ends of justice served by continuing the
15 case as requested outweigh the interest of the public and the defendants in a trial within the
16 original date prescribed by the Speedy Trial Act.

17 l) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
18 et seq., within which trial must commence, the time period of November 4, 2024, to November
19 12, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(ii), (iv)
20 [Local Codes T2 and T4] because it results from a continuance granted by the Court at
21 defendant's request on the basis of the Court's finding that the ends of justice served by taking
22 such action outweigh the best interest of the public and the defendant in a speedy trial.

23 m) Nothing in this stipulation and order shall preclude a finding that other provisions
24 of the Speedy Trial Act dictate that additional time periods are excludable from the period within
25 which a trial must commence.

26 IT IS SO STIPULATED.

1 Dated: September 17, 2024

PHILLIP A. TALBERT
United States Attorney

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3 /s/ ROBERT C. ABENDROTH
ROBERT C. ABENDROTH
4 Assistant United States Attorney

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6 Dated: September 17, 2024

/s/ TIMOTHY ZINDEL per
email authorization
TIMOTHY ZINDEL
Counsel for Defendant
VICTOR MANUEL
9 VELAZQUEZ

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12 Dated: September 17, 2024

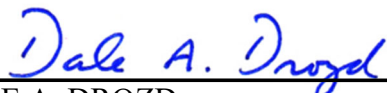
/s/ JENNIFER MOUZIS per
email authorization
JENNIFER MOUZIS
Counsel for Defendant
14 DIANA CERVANTES

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17 **ORDER**

18 Pursuant to the stipulation of the parties and good cause appearing, the November 4, 2024, trial
19 date is vacated as to defendants Cervantes and Velazquez. As to defendant Cervantes, a change-of-plea
20 hearing is hereby set for November 12, 2024, at 9:30 a.m. As to defendant Velazquez a status
21 conference is hereby set for November 12, 2024, at 9:30 a.m. As to both defendants Cervantes and
22 Velazquez, time is excluded between November 4, 2024, and November 12, 2024, pursuant to 18 U.S.C.
23 § 3161(h)(7)(A), B(ii), (iv) (Local Codes T2 and T4).

24 IT IS SO ORDERED.

25 Dated: September 23, 2024


DALE A. DROZD
27 UNITED STATES DISTRICT JUDGE
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